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KEA APPLAUDS SUPREME COURT UPHOLDING UNCONSTITUTIONALITY OF PRIVATE SCHOOL VOUCHERS

*Tax Credit Would Have Sent State Funds to Private School Coffers,
Violating Kentucky Constitution*

FRANKFORT, Kentucky (December 15, 2022) – The Kentucky Supreme Court upheld a lower court ruling that the controversial HB 563, a scholarship tax credit bill that was passed into law in the last days of the 2021 regular legislative session, is unconstitutional. With the support of the National Education Association and the Kentucky Education Association, a coalition of plaintiffs, including the Council for Better Education, challenged the constitutionality of the law.

The following statement can be attributed to [KEA President Eddie Campbell](#):

“We applaud the state Supreme Court’s decision to uphold the lower court’s ruling. This is a victory for Kentucky’s public schools and public school students. It’s always been clear to the plaintiffs and their supporters that the Kentucky Constitution prohibits any attempt to divert tax dollars from our public schools and students without putting the question to the voters. This decision protects the power of the people to decide important questions of public education policy and holds the legislature to account to uphold their oath to support and defend the Kentucky Constitution.

“HB 563 violated both the letter and the spirit of the Kentucky Constitution, which makes providing *public* education the state’s highest duty. These plaintiffs stood up for all Kentucky students to ensure that the legislature’s unconstitutional actions did not go unchecked. Today, the highest court in the Commonwealth affirmed their concerns.

“Under the Kentucky Constitution, the General Assembly must provide for and oversee an efficient system of common schools and cannot raise or spend funds on private schools that serve a select few. The Supreme Court today upheld Judge Shepherd’s ruling that HB 563 violated that sound precedent as determined in the court’s ruling in *Rose v. Council for Better Education*.

“Research has shown that private school voucher programs in other states have demonstrated no positive effect on students’ educational outcomes, and often negatively impact student achievement. In fact, some evidence illustrates they may exacerbate school segregation and fund discrimination and they are prone to waste, fraud, and abuse.

“We simply can’t afford to support two different education systems — one private and one public — on the taxpayers’ dime, and this ruling supports that concern. This decision is proof that the courts continue to serve as an important check against legislative overreach.”